



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Fishauf, Holtz, Goodman & Chick PC
220 Fifth Avenue, 16th Floor
New York, New York 10001-7708

COPY MAILED

JAN 31 2007

In re
Tokai et al.
Application No. 10/509,549
Patent No. 7,112,598
Filing Date: September 28,
2004
Attorney Docket No. 04661/HG

:
:
:
:
:
OFFICE OF PETITIONS
RECONSIDERATION OF
PATENT TERM ADJUSTMENT

This decision is in response to applicants' REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT under 37 CFR 1.705(d) timely¹ filed on November 3, 2006 requesting that the Office adjust the PTA calculation at the time of the notice of allowance from a determination of ZERO (0)days to a determination of SEVENTY-SEVEN (77) DAYS.

Applicant's request for reconsideration of PTA is GRANTED. The correct amount of PTA at the time of the issuance of the patent is SEVENTY-SEVEN(77)days. The Office will *sua sponte* issue a certificate of correction reflecting this decision. In addition, the Office will correct the PTA determination displayed in PAIR to be consistent with this decision.

Applicant asserts that the Office erred in the 120 days of applicant delay assessed for the alleged amendment filed on May 19, 2006. Applicants assert that they did not file an amendment but in actually commented on the applicants notice of allowability (i.e. examiner's amendment). Applicants assert that the letter was to comment on the Office error in the examiner's amendment. Applicants do not contest the seventy-seven(77) days pursuant to 37 CFR 1.702(a)(1).

Applicant's arguments are persuasive. The Office has reviewed the Image File Wrapper (IFW) to determine what has been submitted by applicant after the mail date of the notice of allowance. Applicant merely submitted a letter advising the examiner that he had erred in amending the improper claim. The letter was not an

¹Issued on September 26, 2006

amendment under 37 CFR 1.312. After the submission of the 5/19/06 letter, the Office entered an examiner's amendment reflecting the proper claim to be amended. Accordingly, the Office will withdraw the reduction of 120 days under 37 CFR 1.704(c)(10). The correct amount of PTA at the time of the issuance of the patents is 77 days (77 days of USPTO delay and 0 days of applicant delay).

After the mailing of this decision, the file will be forwarded to the certificate of correction branch for prompt issuance of the certificate of correction.

Applicants have provided the required \$200.00 fee. No additional fees are required in the determination of this request.

Any questions concerning this decision should be directed to Kery Fries, Senior Legal Advisor, at 571-272-7757.

Kery A Fries
Kery Fries
Senior Legal Advisor
Office of Patent Legal Administration
Office of Deputy Commissioner
for Patent Examination Policy

cc: Adjusted Pair Calculation
Draft certificate of correction

DRAFT
UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT : 7,112,598 B2
DATED : Sep. 26, 2006
INVENTOR(S) : Tokai et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by (0) days

Delete the phrase "by 0 days" and insert – by 77 days--

Day : Tuesday
Date: 1/30/2007

PALM INTRANET

Time: 14:28:17

PTA Calculations for Application: 10/509549

Application Filing Date:	09/28/2004	PTO Delay (PTO):	77
Issue Date of Patent:	09/26/2006	Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	120
Post-Issue Petitions:	0	Total PTA (days):	77
PTO Delay Adjustment:	120		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
45	01/30/2007	ADJUSTMENT OF PTA CALCULATION BY PTO	120		
40	09/26/2006	PATENT ISSUE DATE USED IN PTA CALCULATION			
39	08/28/2006	EXPORT TO FINAL DATA CAPTURE			
38	08/23/2006	FINISHED INITIAL DATA CAPTURE			
37	08/23/2006	DISPATCH TO FDC			
36	08/23/2006	APPLICATION IS CONSIDERED READY FOR ISSUE			
35	08/23/2006	RESPONSE TO AMENDMENT UNDER RULE 312			
34	08/07/2006	ISSUE FEE PAYMENT VERIFIED			
33	08/07/2006	ISSUE FEE PAYMENT RECEIVED			
32	05/19/2006	RESPONSE TO REASONS FOR ALLOWANCE			
31	06/07/2006	MAIL EXAMINER'S AMENDMENT			
30	06/05/2006	EXAMINER'S AMENDMENT COMMUNICATION			
29	05/19/2006	AMENDMENT AFTER NOTICE OF ALLOWANCE (RULE 312)		120	
28	05/19/2006	EXPORT TO INITIAL DATA CAPTURE			
27	05/15/2006	MAIL NOTICE OF ALLOWANCE			
26	05/15/2006	MAIL EXAMINER'S AMENDMENT			
25	05/12/2006	ISSUE REVISION COMPLETED			
24	05/12/2006	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
23	05/12/2006	EXAMINER'S AMENDMENT COMMUNICATION			
22	05/12/2006	NOTICE OF ALLOWABILITY			
21	05/10/2006	EXAMINER INTERVIEW SUMMARY RECORD (PTOL - 413)			
20	05/09/2006	DATE FORWARDED TO EXAMINER			

19	05/02/2006	RESPONSE AFTER NON-FINAL ACTION			
18	02/13/2006	MAIL NON-FINAL REJECTION	77		-1
17	02/08/2006	NON-FINAL REJECTION			
16	12/17/2004	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
15	09/28/2005	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
14	09/28/2005	CASE DOCKETED TO EXAMINER IN GAU			
13	06/28/2005	CORRECTED FILING RECEIPT			
12	12/17/2004	REFERENCE CAPTURE ON IDS			
11	12/17/2004	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
10	09/28/2004	REQUEST FOR FOREIGN PRIORITY (PRIORITY PAPERS MAY BE INCLUDED)			
9	09/28/2004	PRELIMINARY AMENDMENT			
8	05/04/2005	CORRESPONDENCE ADDRESS CHANGE			
7	02/15/2005	CLEARED BY OIPE CSR			
6	02/15/2005	CLEARED BY OIPE CSR			
5	02/15/2005	CLEARED BY OIPE CSR			
4	09/28/2004	371 COMPLETION DATE			
3	02/08/2005	APPLICATION DISPATCHED FROM OIPE			
2	02/08/2005	NOTICE OF DO/EO ACCEPTANCE MAILED			
1	09/28/2004	INITIAL EXAM TEAM NN			

Search Another: Application#

EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

To go back use Back button on your browser toolbar.

Back to [PALM](#) | [ASSIGNMENT](#) | [OASIS](#) | [Home page](#)